

Individualized Education Program (IEP)

Team Process & Requirements

Child Find: Identification Process for Students Who Require Special Education and Related Services

Under the federal and state “child find” requirement, the local educational agency (LEA) must identify, locate, and assess all children with a suspected disability who reside in the LEA and who may need special education and related services; including any such students who are homeless or wards of the state and may have mental health needs [34 CFR 300.111(a)(i)(ii); EC 56300; EC 56301(a)].

- Referral for assessment can be provided by a teacher or service provider of the student, a public agency, a parent/guardian, or foster parents, appropriate professional persons, and other members of the public (34 CFR 300.301; EC 56302; EC 56029).
- The referral for assessment must be in writing (EC 56029).
- Parent, guardian or other holder of educational rights, must provide informed **consent** for the assessment [34 CFR 300.300; EC 56321(c)(1)].
- LEA must complete the assessment for eligibility within 60 calendar days of the parent providing consent [34 CFR 300.301(c)(1)(i); EC 56302.1].

Assessment Process

The assessment must identify:

- Whether a student has a disability as defined by the law [34 CFR 300.301(c)(2)(i)] ; and,
- the educational needs of the student [34 CFR 300.301(c)(2)(ii); EC 56302]; and,
- the child’s special education and related services needs [34 CFR 300.304(c)(6)].

The information gathered by the LEA through the assessment process will assist the child’s IEP team to construct an individualized education program (IEP).

Special Considerations for Conserved Students

If the child is a ward of the state who is not residing with his or her parent the LEA must make reasonable efforts to obtain the informed consent from the parent for an initial assessment (EC 56321.1). A parent is defined as (EC 56028):

- Biological or adoptive parent of the child [EC 56028(a)(1)]
- Foster parent, if the authority of biological or adoptive parents to act as the holder of educational rights has been limited by court order [EC 56928(a)(2)]
- A guardian generally authorized to act as the child’s parent or authorized to make educational decisions for the child, including a responsible adult appointed for the child in accordance with Sections 361 and 726 of the Welfare and Institutions Code [EC 56028(a)(3)].
- An individual acting in the place of a biological or adoptive parent, including grandparent, stepparent, or other relative, with whom the child lives, or an individual legally responsible for the child’s welfare [EC 56028(a)(4)]
- A surrogate parent who has been appointed by an LEA that has determined that the student needs a surrogate parent when one or more of the following have occurred [EC 56028(a)(5)].

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- The student is adjudicated a dependent or ward of the court and the court has limited the rights of the parent or guardian to make educational decisions for the student [GC 7579.5(1)(A)]
- No parent for the student can be identified [GC 7579.5(1)(A)(2)]
- The LEA, after reasonable efforts, could not discover the location of a parent [GC 7579.5(1)(A)(3)].

Assessment Requirements

The student must be assessed in all areas related to their suspected disability before any action is taken with respect to their identification as child with exceptional needs, the initial educational placement (school or program site where the student with exceptional needs will receive special education instruction), and the creation of the student's individualized education program. An individual assessment of the student's educational needs shall be conducted by qualified persons in accordance with the requirements of EC 56320. Assessment requirements include the following:

- Informed **consent** from the child's parent or guardian must be secured by the LEA prior to conducting any assessment (see section below on assessment plan for more information regarding the consent requirement as it relates to assessment).
- Testing and assessment materials and procedures used for the purposes of assessment and placement of a student with exceptional needs are selected and administered so as to not be racially, culturally, or sexually discriminatory [EC 56320(a)].
- Testing and assessment materials and procedures shall be provided in the student's native language or mode of communication, unless it is clearly not feasible to do so [EC 56320(a)].
- Test and other assessment materials must meet the following requirements:
 - Are provided and administered in the language and form most likely to provide accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is not feasible to so provide and administer [EC 56320(b)(1)].
 - Are used for the purposes for which the assessments or measures are valid and reliable [EC 56320(b)(2)].
 - Are administered by trained and knowledgeable personnel and are conducted in accordance with any instructions provided by the producer of the assessments, except that the individually administered tests of intellectual or emotional functioning shall be administered by a credentialed school psychologist [EC 56320(b)(3)].
 - Tests and other assessment materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide single general intelligence quotient [EC 56320(c)].
 - Tests are selected and administered to ensure that when administered to a student with impaired sensory, manual, or speaking skills produces results that accurately reflect the student's aptitude, achievement level, or any other factors the test purports to measure and not the student's impaired sensory, manual, or speaking skills, unless those skills are the factors that the test measures [EC 56320(d)].

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- More than one measure (test/procedure) is used, resulting in student data, to determine whether the student has a disability or to determine an appropriate educational program for the student [EC 56320(e)].
- The student is assessed in all areas related to the suspected disability including; if appropriate, health and development, vision, hearing, motor abilities, language function, general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. A developmental history shall be obtained, when appropriate [EC 56320(f)].

The Assessment Plan

An assessment plan for the development or revision of the individualized education program must be developed and given to the parent before it is implemented. The assessment plan must be provided in writing to the parent within 15 days of receipt for the referral to assess for eligibility [EC 56321(a)].

The LEA proposing to conduct the initial assessment to determine eligibility for special education and related services shall make reasonable efforts to obtain informed **consent** from the parent of the child before conducting the assessment [EC 56321(c)(1)]. The assessment plan must:

- Be in language easily understood by the general public [EC 56321(b)(1)].
- Be provided in the parent's native language or other mode of communication used by the parent or guardian, unless it is clearly not feasible [EC 56321(b)(2)].
- Include a copy of the parents' rights and a written explanation of the procedural safeguards [EC 56321 (a)].
- Explain the types of assessments to be conducted (including mental health assessments) [EC 56321(b)(3)].
- State that no individualized education program will result from the assessment without the **consent** of the parent [EC 56321(b)(4)]
 - If the parent or guardian (holder of educational rights) **does not provide consent**, or fails to respond to a request to provide consent, for an initial assessment, the LEA may but is not required to pursue the initial assessment using due process procedures as described in paragraph (3) of subdivision (a) of EC 56501 and subdivision (e) of EC 56506 [EC 56321(c)(2)].
 - In accordance with Section 300.300(a)(3)(ii) of Title 34 CFR the LEA does not violate its obligation under Section 300.111 and Sections 300.301 if it decides not to pursue the assessment [EC 56321(c)(3)].
 - The parent or guardian (holder of educational rights) shall have at least 15 days from receipt of the proposed assessment plan to come to a decision (whether to provide **consent** or to not provide consent to the assessment plan). The LEA may begin the assessments immediately upon receipt of the consent. [EC 56321(c)(4)].
 - **Consent** for the initial assessment cannot be seen as **consent** for initial placement or initial provision of special education and related services to a child with exceptional needs [EC 56321(d)].
- Include a description of any recent assessments conducted [34 CFR 300.305(a)(1)].
- The assessment plan must inform the parent that:

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- An IEP meeting will be held to determine whether the student is an individual with exceptional needs (as defined by the law) and discuss assessment results and service recommendations (with an interpreter if requested) [EC 56329(a)(1)].
- The parent will receive a copy of the assessment report [EC 56329(a)(3)].
- An independent educational evaluation (IEE) may be provided at public expense [EC 56329(b)].
- The LEA may initiate a due process hearing to show that its assessment is appropriate. If the final decision from the due process hearing is that the assessment is appropriate the parent or guardian maintains the right to an IEE but not at public expense [EC 56329(c)].

Assessment Plan and Process

The personnel who assess the student shall prepare a written report, or reports, of the results of each assessment and shall include, but not be limited to the following (EC 56327):

- Whether the student may need special education and related services [EC 56327(a)].
- The basis for making the determination [EC 56327(b)].
- Relevant behavior noted during the observation of the student in an appropriate setting [EC 56327(c)].
- Relationship of that behavior to the student's academic and social functioning [EC 56327(d)].
- The educationally relevant health and development, and medical findings if any [EC 56327(e)].
- For students with learning disabilities, whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services [EC 56327(f)].
- A determination concerning the effects of environmental, cultural, or economic disadvantages, where appropriate [EC 56327(g)].
- For pupils with low incidence disabilities, the need for specialized services, materials, and equipment [EC 56327(h)].

Scheduling the IEP Team Meeting

The Local Education Agency (LEA) is responsible for scheduling and conducting the Individualized Education Program (IEP) meeting for the purposes of developing, reviewing, and revising the IEP for a student with exceptional needs (EC 56340). The parents/guardians of a student who has been referred for initial assessment shall be afforded an opportunity to participate in meetings with respect to the identification, assessment, and educational placement of the student [EC 56304(a)].

- Contacting the participants, including parents (holders of educational rights) and, when appropriate, the student.
- Taking steps to ensure that at least one parents/guardian is present at the IEP meeting or was given the opportunity to attend [EC 56341.5(a)].
- Notifying parents early enough so that they have an opportunity to attend [EC 56341.5(b)].
- Scheduling the meeting at a time and place mutually agreeable to the school and parents [EC 56341.5(c)].
- Stating the purpose, time, and location of the meeting [EC 56341.5(c)].

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- Disclosing who will be attending the meeting [34 CFR 300.322(b)(1)(i); EC 56341.5 (c)].
- Informing parents that they can invite other people to the meeting who have knowledge or special expertise regarding the child (this could include, for example, persons with knowledge of the student's mental health needs (See the following section "IEP Team Participation") [EC 56341.5(c)].

IEP Team Meeting Requirements

Each meeting to develop, review, or revise the IEP of a student with exceptional needs shall be conducted by an IEP team. The IEP team shall include all of the following [EC 56341(a)(b)]:

- One or both parents, a parent representative selected by the parent(s), or both [EC 56341(b)(1)].
- At least one general education teacher of the student, if the pupil participates (or may participate) in general education activities with non-disabled peers [EC 56341(b)(2)].
- At least one special education teacher of the student or, if appropriate, at least one related service provider [EC 56341(b)(3)].
- An LEA representative who is qualified to provide or supervise special education, is knowledgeable about the general education curriculum, and knows about resources available in the LEA [EC 56341(b)(4)(A-C)].
- An individual who can interpret the instructional implications of assessment results [EC 56341(b)(5)].
- The parent and/or the LEA may invite other individuals who have knowledge or special expertise regarding the student [EC 56341(b)(6)].
- Whenever appropriate the IEP team shall include the student with exceptional needs (EC 56341((b)(7)).
- For meetings addressing postsecondary goals and transition services, the LEA shall invite the student to participate [EC 56341(d)(1)].
- For a pupil suspected of having a specific learning disability, at least one IEP team member shall be qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech language pathologist, or remedial reading teacher, and an IEP team member who has observed the student's academic performance and behavior in the learning environment, including in the regular classroom [34 CFR 300.308(b); 34 CFR 300.310; EC 56341(c)].
- In the case of a special education student who has been placed in a group home by the juvenile court, the Local Educational Agency (LEA) Special Education Local Plan Area (SELPA), or the County Office of Education (COE) shall invite to the IEP Team meetings a representative of the group home [EC 56341.2].

IEP Team Meeting Activities

The IEP team reviews assessment results to determine whether the student is a child with a disability and is eligible for special education and needs related services (34 CFR 300.8; 34 CFR 300.304; 34 CFR 300.306).

- If the IEP team determines that the student is eligible for special education, it develops an IEP for the student, which considers the following:
 - The strengths of the pupil [EC 56341.1(a)(1)]

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- Concerns of the parents or guardians for enhancing the education of the student [EC 56341.1(a)(2)]
- Results of the initial assessment or most recent assessment of the student [EC 56341.1(a)(3)]
- The academic, developmental, and functional needs of the student [EC 56341.1(a)(4)]
- The IEP team shall do the following:
 - In the case of a student whose behavior impedes his or her ability to learn, or that of other students, must consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior [EC 56341.1(b)(1)].
 - In the case of a student with limited English proficiency, consider the language needs of the student as those needs relate to the student's IEP [EC 56341.1(b)(2)].
 - For students who are blind or visually impaired, provide instruction in braille and use of braille unless the IEP team determines that it is not appropriate for the student [EC 56341.1(3)].
 - Consider the communication needs of the student [EC 56341.1(4)].
 - Consider the need for assistive technology devices and services [EC 56341.1(5)].

Developing the IEP

The IEP is a written statement for each individual with exceptional needs who has been found eligible for special education and related services. The IEP is developed, reviewed, and revised following the requirements found in Section 1414(d) of Title 20 of the United States Code. Per these requirements the IEP must contain the following elements [EC 56345(a)]:

- Present levels of academic achievement and functional performance [EC 56345(a)(1)(A-C)].
- Measurable annual goals that enable the student to be involved in and make progress in the general education curriculum, and meet each of the other educational needs of the student that result from their disability [EC 56345(a)(2)(A-B)].
- Description of how progress on annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals will be provided [EC 56345(a)(3)].
- Statement of special education and related services and supplementary aids and services to be provided for the student or on behalf of the student, and a statement of program modifications or supports for school personnel that will be provided [EC 56345(a)(4)(A – C)]
- An explanation to the extent, if any, to which the student will not participate with nondisabled peers in the regular class [EC 56345(a)(5)].
- Special education instruction and placement (the decision for special education instruction and placement are made on the basis of student needs and considerations as to the least restrictive environment)
- Accommodations for statewide testing, or, if needed, determination that student shall take the alternate exam [EC 56345(a)(6)(A)-(B)].
- Related service particulars (e.g., start date, frequency, duration, and location) [EC 56345(a)(7)].
- For students age 16 and older, a statement of needed transition services and appropriate measurable postsecondary goals [EC 56345(a)(8)(A)(B)].
- See EC 56345 for a full list of the required contents of an IEP.

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The IEP, regardless of the student's disability or related service needs, should reflect a linear relationship among all of these components:

- Assessment data
- Description of present levels of performance
- Needs associated with the student's disability
- Annual goals and objectives
- Services (e.g., designated instruction and related services)
- Description of progress on annual goals

The IEP must be developed so that the elements making up the IEP are aligned and related in such a way that the IEP is reasonably designed to meet the student's needs and provide educational benefit.

Implementing the IEP

Prior to implementing the first IEP the LEA must obtain informed written parental **consent** to initiate the provision of special education and related services [EC 56346(a)]. If the parent fails to respond or refuses to consent to the initiation of services, the LEA shall not pursue due process procedures in order to attempt to override the parent's lack of consent. The LEA shall not be in violation of its obligation to provide the services for which the LEA has requested consent, and the LEA shall not be required to convene an IEP meeting or develop an IEP for the services for which the LEA requested consent [34 CFR 300.300(b)(2-4); EC 56346(b)&(c)].

- If the parent, or guardian, of the student fails to respond or refuses to consent to the initiation of services the LEA shall not provide special education and related services [EC 56346(b)].
- If the parent, or guardian, of the student refuses to consent to the initial provision of special education and related services, or fails to respond to a request to provide the consent, both of the following apply [EC 56346(c)]:
 - The LEA will not be considered to be in violation of the requirements to provide a free and appropriate public education (FAPE) to the student for the failure to provide the student with the special education and related services for which the LEA tried to gain consent for [EC 56346(c)(1)].
 - The LEA shall not be required to convene an IEP team meeting or develop an IEP for the student [EC 56346(c)(2)].

The parent or the guardian can revoke consent for the implementation of the IEP. To do so the parent or guardian must submit to the LEA a written revocation of his or her consent for the implementation of the IEP. If a parent revokes consent at any time subsequent to the initial provision of special education and related services to the student, the LEA shall not pursuant to 34 CFR 300.330(b)(4); and EC 56346(d)(1) do the following:

- continue to provide special education and related services, provide the parent with prior written notice before ceasing the provision of special education and related services [EC 56346(d)(1)(A)] or ;

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- use the procedural safeguards including mediation and due process complaint procedures (EC 56506) to obtain agreement or a ruling so that the LEA may provide services to the child [EC 56346(d)(1)(B)].
- If a parent or guardian **revokes consent**, that revocation is not retroactive to negate an action that has occurred after the consent was given and before the consent was revoked. A public agency is not required to amend the education records of a child to remove any reference to the child's receipt of special education and services if the child's parent or guardian submits a written revocation of consent after the initial provision of special education and related services to the child [EC 56021.1(c)].

The parent/guardian may provide consent, in writing, to some but not all of the components of a student's IEP [EC 56346(e)]. The LEA will implement those components of the IEP that the parent/guardian has provided consent to [EC 56346(e)].

- If the LEA determines the IEP components which the parent has not consented to are necessary to provide a free appropriate education to the student, the LEA shall initiate a due process hearing [(EC 56346(f))].
- If a due process hearing is held, the hearing decision shall be the final administrative determination and shall be binding on the parties [(EC 56346(f))].
- While a resolution session, mediation conference, or due process hearing is pending, the student shall remain in their placement, unless the LEA and parent agree otherwise [(EC 56346(f))].

Annual Review of the IEP and Reassessment of the Student

Annual Review of IEP

The Local Educational Agency (COE, District, or Charter School) shall have in place procedures to ensure that the IEP team reviews the student's IEP at least annually to review a student's progress, the IEP including whether the student's annual goals are being achieved, appropriateness of placement, and to revise the IEP as appropriate as stipulated in EC 56343(d).

Any revisions/changes to the IEP or related services, based on the review of the IEP and reassessment of the student, must also be based on information of the student's progress and needs [EC 56343(c)(d); EC 56380; EC 56381]. Changes to an annual IEP can be made after it has been consented to without requiring a full IEP Team meeting when the parent/guardian (holder of educational rights) and the LEA agree to not convene an IEP team meeting for the purpose of making changes to the IEP and instead develop a written document, signed by the parent/guardian; (holder of educational rights) signature provides **consent**; and a representative of the LEA to amend or modify the existing IEP (EC 56380.1).

- If the LEA proposes to initiate or change or refuses to initiate or change the identification, assessment or educational placement of a student (changes in the IEP), parents must be formally notified in writing prior to any change in the student's services. [34 CFR 300.503(a)(1); EC 56500.4(a)].

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- Changes to actual services must be approved by the IEP team, and must be reflected in an amended, annual, or triennial IEP [EC 56380, EC 56380.1; EC 56381].
- The requirements for making changes to the IEP vary depending on the type of change being made...
 - Changes to goals or services during the annual IEP review are based on student progress information and updated assessment information and requires a full IEP team meeting [EC 56380(a)(2); EC 56380.1; EC 56381(a)(2); 34 CFR 300.503(a)(1); EC 56500.4(a)] .
 - Change of student placement (e.g., from residential to special class, nonpublic school to regular class) is based on progress information, updated assessment information and requires a full IEP team meeting [EC 56380(a)(2); EC 56380.1; EC 56381(a)(2); 34 CFR 300.503(a)(1); EC 56500.4(a)].
- If changes are made to the student's IEP the LEA shall ensure that the IEP team is informed of those changes as required by 34 CFR 300.324(a)(4)(ii) [EC 56380.1(c)].

Reassessment

A reassessment shall occur not more frequently than once a year, unless the parent and the LEA agree otherwise, and shall occur at least once every three years unless the parent and LEA agree in writing that a reassessment is unnecessary pursuant to EC 56381. If the reassessment so indicates, a new IEP shall be developed [EC 56381(a)(2)].

- The LEA must first obtain written **consent** before a reassessment can be conducted [EC 56381(f)(1)].
 - Exception, the LEA may, but is not required to, pursue the reassessment by using the consent override procedures in 34 CFR 300. 506 (mediation) and 34 CFR 300.507 – 516 (due process) [EC 56381(f)(3)].

As part of the reassessment, the IEP team, and other qualified professionals, as appropriate, will do the following:

- Review existing assessment data, current classroom based assessments and observations, teacher and related service providers' observations, and information provided by the parents [EC 56381(b)(1)(2)]
- Based on the review (as listed above) identify what additional data, if any, is needed to determine:
 - whether the student continues to have a disability [EC56381(b)(2)(A)];
 - the student's present levels of performance and educational needs [EC 56381(b)(2)(B)];
 - whether the student continues to need special education and related services [EC 56381(b)(2)(C); and,
 - whether any additions or modifications to the IEP are needed to enable the student to meet the measurable annual goals in the IEP, and to participate, as appropriate, in the general curriculum [EC 56381(b)(2)(D)].

When Consent is Required through the IEP Process

What is consent

Consent is defined as:

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- The parent or guardian has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or through another mode of communication [EC 56021.1(a)].
- The parent or guardian understands and agrees in writing to the carrying out of the activity for which his or her consent is sought; and the consent describes that activity and lists the records, if any, that will be released and to whom EC 56021.1(b)].
- The parent or guardian understands that the granting of consent is voluntary on the part of the parent or guardian and may be revoked at any time-[EC 56021.1(c)].

Additional Actions under the IDEA that require consent

- The LEA must obtain written parental consent before accessing the child's or parents public benefits or insurance for the first time to pay for special education and related services, and annually thereafter (34CFR 300.154).
- The LEA must obtain parental consent before personally identifiable information is disclosed to parties, other than officials of participating agencies unless the information is contained in education records, and the disclosure is authorized without parental consent under FERPA. However, parental consent is required before personally identifiable information is disclosed to officials of participating agencies that are providing or paying for transition services (34CFR99.30).
- Parental consent must be provided prior to a minor being admitted to a community treatment facility (W&I 4094).

Summary of when consent is required

- Informed consent is required to conduct an initial assessment of the student to determine eligibility. If the parent does not provide or refuses to provide consent, the LEA may choose to pursue the initial assessment by invoking due process procedures.
- Informed consent must be obtained by an LEA prior to implementing the initial IEP. If a parent fails to provide, or refuses to provide informed consent then the LEA cannot provide services and cannot invoke due process proceedings in order to provide services. The LEA will also not be held responsible for meeting FAPE.
- Informed consent must be obtained by an LEA to reassess a student with a disability. If the parent fails to or refuses to provide consent the LEA may pursue assessment by invoking due process.
- Informed consent must be obtained by an LEA to initiate the provision of special education and related services in a revised IEP resulting from an annual review, or a reassessment, including a triennial reassessment.
- When a parent revokes consent for special education and related services the LEA stops providing special education and related services and cannot use due process as a means to provide services. The LEA will be deemed to be compliant in providing FAPE.

When consent is provided to some but not all services in the IEP the LEA will provide the services for which consent has been obtained, and must pursue due process to provide other components that have not been consented to if the LEA determines that such components are required in order for the LEA to meet its FAPE obligations.

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IDEA Timeline Requirements Affecting Special Education Programs

- The LEA shall develop a proposed assessment plan within 15 calendar days of receipt of referral for assessment (not counting calendar days of school vacation in excess of five schooldays) unless the parent or guardian agrees in writing to an extension [EC 56043(a)].
- The parent or guardian shall have at least 15 calendar days from the receipt of the proposed assessment plan to arrive at a decision as to whether or not the parent or guardian will consent to the proposed assessment [EC 56043(b)].
- Once a child has been referred for an initial assessment to determine whether the child is an individual with exceptional needs and to determine the educational needs of the child, these determinations shall be made, and an individualized education program team meeting shall occur within 60 days of receiving parental consent for the assessment plan [EC 56043(c)].
- The IEP team shall meet to review the student's IEP periodically, but not less frequently than annually, to review the student's program, the IEP, including whether annual goals are being achieved, appropriateness of placement, and to make any necessary revisions [EC 56043(d); EC 56043(j)].
- Parent or guardian shall be notified of the IEP team meeting early enough to ensure an opportunity to attend. In the case of a student with exceptional needs who is 16 years of age or younger, if it is appropriate, the meeting notice will indicate that a purpose of the meeting will be the consideration of the postsecondary goals and transition services and that the student is invited to attend the IEP meeting [EC 56043(e)].
- An IEP required as a result of an assessment of a student shall be developed within a total time not to exceed 60 calendar days, not counting days between the student's regular school sessions, terms, or days of school vacation in excess of five school days, from the date of receipt of the parent's or guardian written consent for assessment (unless parent or guardian agrees in writing to an extension) [EC 56043(f)(1)].
- A meeting to develop an initial IEP for the student shall be conducted with 30 days of a determination that the student needs special education and related services [EC 56043(f)(2)].
- A student's IEP shall be implemented as soon as possible following the IEP team meeting [EC 56043(i)].
- A reassessment of the student shall occur not more frequently than once a year, unless the parent and the LEA agree otherwise in writing, and shall occur at least once every three years, unless the parent or guardian and the LEA agree in writing that a reassessment is unnecessary [EC 56043(k)].
- A meeting of the IEP team requested by a parent or guardian to review an IEP shall be held within 30 calendar days, not counting days between regular school sessions, terms, or days of school vacation in excess of five school days, from the date of receipt of the parent's or guardian's written request [EC 56043(l)].
- When a student with an IEP transfers from district to district within the state the following are applicable [EC 56043(m)]:
 - If the student transfers in the same academic year to a LEA not operating programs under the same SELPA as the LEA in which the student was previously enrolled the LEA shall provide the student with a FAPE including services comparable to those described in the

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previously approved IEP. The receiving LEA, in consultation with the parent or guardian, shall have 30 days to either adopt the previously approved IEP or develop, adopt, and implement a new IEP [EC 56043(m)(1)].

- If the student transfers in the same academic year to an LEA operating programs under the same SELPA the new LEA shall continue, without delay, to provide services comparable to those described in the existing approved IEP, unless the parent and the LEA agree to develop, adopt, and implement a new IEP [EC 56043(m)(2)].
- If the student transfers in the same academic year from an LEA that is outside of the state, the new LEA shall provide the student with a FAPE, including services comparable to those described in the previously approved IEP, in consultation with the parents or guardians, until the LEA conducts an assessment [EC 56043(m)(3)].

Procedural Safeguards

All procedural safeguards under the IDEA shall be established and maintained by each LEA and noneducational agency that provides education, related services, or both, to students who are individuals with exceptional needs. In addition, at each IEP meeting, the LEA responsible for convening the meeting shall inform the parent/guardian and student of their procedural safeguards that were provided in the notice of parent rights pursuant to EC 56321 and EC 56500.1. These include but are not limited to:

- The notice provides a written explanation of all the procedural safeguards under IDEA (20 U.S.C. Sec. 1400 et seq.)
- The notice is to include the rights and procedures in contained in Chapter 5 of the California Education Code (see EC 56500 – 56509)